

REMARKS/ARGUMENTS

Claims 1 through 18 remain in this application. Claims 1, 4, 6, 10 and 15 are amended.

Claim 1 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the above Office Action states claim 1 recites the limitation "the device" with no antecedent basis. In response, claims 1, 4, 6, 10 and 15 are hereby amended to address the Examiner's concerns. Reconsideration and withdrawal of the 35 U.S.C. §112, second paragraph, rejection of claim 1 are respectfully requested.

Claims 1 through 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Domnitz (U.S. Patent No. 6,912,398) in view of Goldstein, et al. (U.S. Patent No. 7,174,363).

Independent claim 1 as amended provides, *inter alia*, selecting a particular channel among a plurality of channels associated with a dynamic container of the wireless communication device based on the current time of the wireless communication device, and claim 10 as amended provides, *inter alia*, a processor configured to select a particular channel, among a plurality of channels, associated with a dynamic container of the wireless communication device based on the current time of the wireless communication device. Similarly, claim 6 as amended provides, *inter alia*, selecting a particular channel among a plurality of channels associated with a dynamic container of the wireless communication device based on the current location of the wireless communication device, and claim 15 as amended provides, *inter alia*, a processor configured to select a particular channel, among a plurality of channels, associated with a dynamic container of the wireless communication device based on the current location of the wireless communication device.

In contrast, Domnitz does not describe or suggest selecting a particular channel based on the current time of the wireless communication device. Col. 4, lines 47 through 54, of Domnitz describes a system that selects information related to time, namely the presence of an individual based on certain factors, including time at a particular location. After selecting the information, the system pushes the information down through available information channels to the individual. Thus, Domnitz selects information based on time, but does not describe or suggest selecting a channel based on time, as required by claims 1, 6, 10 and 15. Also, Domnitz pushes

the information down through available information channels after selecting the information, but Domnitz does not describe or suggest selection of any channel based on current time, as required by claims 1, 6, 10 and 15. The above Office Action also references col. 7, lines 1 through 3, but this part of Domnitz specific discloses "predetermined information channels", not selection of a particular channel. Likewise, Goldstein, et al. does not describe suggest selecting a particular channel based on the current time, as required by claims 1, 6, 10 and 15. Therefore, claims 1, 6, 10 and 15 distinguish from Domnitz, Goldstein, et al., and the suggested combination of these patents.

Independent claims 1, 6, 10 and 15 further distinguish from the cited patents. Claim 1 as amended provides, *inter alia*, displaying a unit of content of the particular channel via the dynamic container if an update time of the particular channel corresponds to the current time of the wireless communication device, and claim 10 as amended provides, *inter alia*, a display configured to provide a unit of content of the particular channel via the dynamic container if an update time of the particular channel corresponds to the current time of the wireless communication device. Similarly, claim 6 as amended provides, *inter alia*, displaying a unit of content of the particular channel via the dynamic container if an associated location of the particular channel corresponds to the current location of the wireless communication device, and claim 15 as amended provides, *inter alia*, a display configured to provide a unit of content of the particular channel via the dynamic container if an associated location of the particular channel corresponds to the current location of the wireless communication device.

In contrast, Domnitz does not describe or suggest displaying content if an update time of the particular channel corresponds to the current time of the wireless communication device. Col. 8, lines 25 through 29 and 34 through 37, and col. 10, lines 41 through 49, of Domnitz describes a system that determines whether a user watched a particular channel at a time when an advertisement was provided on the channel. Thus, Domnitz determines, after a user has already watched a particular channel, whether the user may have had an opportunity to watch a particular advertisement of interest, but Domnitz does not describe or suggest displaying content in response to determining whether channel time matches device time, as required by claims 1, 6, 10 and 15. Likewise, Goldstein, et al. does not describe suggest displaying content if an update

time of the particular channel corresponds to the current time of the wireless communication device, as required by claims 1, 6, 10 and 15. Therefore, claims 1, 6, 10 and 15 distinguish from Domnitz, Goldstein, et al., and the suggested combination of these patents.

Claims 2 through 5, 7 through 9, 11 through 14, and 16 through 18 depend from and include all limitations of independent claims 1, 6, 10 and 15, respectively. Therefore, claims 2 through 5, 7 through 9, 11 through 14, and 16 through 18 distinguish from Domnitz for the reasons stated above for claims 1, 6, 10 and 15.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claims 1 through 18 are respectfully requested.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

Please forward all correspondence to:
Motorola, Inc.
Law Department (HDW)
600 North US Highway 45
Libertyville, IL 60048

<u>/HISASHI D. WATANABE/</u>	<u>09/15/2009</u>
Hisashi D. Watanabe	Date
Attorney for Applicant(s)	
Registration No. 37,465	
Telephone: (847) 523-2322	
Facsimile: (847) 523-2350	